

REMEDICATION AND REDEVELOPMENT (RR) NEWS FROM WISCONSIN DNR  
June 1, 2000

CASE CLOSURE CHANGE FOR RIGHT-OF-WAYS

DNR has changed its rules governing case closure at sites with enforcement standard exceedances in public streets and highway right-of-ways. The change is included in amendments to the NR 700 rule series that were made at the same time that emergency rule NR 746 became effective, May 18. This new option is most appropriate for discharges from petroleum tank sites, although it is not limited to those sites. NR 726.05(2)(b)4 has been amended so that groundwater use restrictions are not required for public street or highway right-of-ways when the exceedance is in a stable or receding plume. The municipal clerk, and the municipal department or state agency that is responsible for maintaining the street or highway, must be given written notification of the presence of soil and groundwater contamination within the right-of-way. DNR must have proof of compliance with the notification requirement before closing the site, as well as documentation of the plume behavior. Here is the text from NR 726, with the new language in capital letters. SECTION 21. NR 726.05 (2)(b) 4. is amended to read: NR 726.05 (2)(b) 4. If there are ch. NR 140 enforcement standard exceedances on the property or properties, a groundwater use restriction which satisfies the requirements of sub. (8) (am) has been recorded at the county register of deeds office for each property, EXCEPT THAT A GROUNDWATER USE RESTRICTION IS NOT REQUIRED FOR A PUBLIC STREET OR HIGHWAY RIGHT-OF-WAY WHERE THERE ARE CH. NR 140 ENFORCEMENT STANDARD EXCEEDANCES IN A STABLE OR RECEDING PLUME PROVIDED THAT THE MUNICIPAL CLERK, AND THE MUNICIPAL DEPARTMENT OR STATE AGENCY THAT IS RESPONSIBLE FOR MAINTAINING THE STREET OR HIGHWAY HAVE BEEN GIVEN WRITTEN NOTIFICATION OF THE PRESENCE OF RESIDUAL SOIL AND GROUNDWATER CONTAMINATION WITHIN THE RIGHT-OF-WAY.

NRB APPROVES SITE ASSESSMENT GRANTS

On May 23 the Natural Resources Board approved chapter NR 168 emergency rules for the Brownfield Site Assessment Grant (SAG). We plan to have grant applications ready by the public hearings scheduled for June 12, 13 and 15. SAG grant provisions include:

- \$1.45 million is available for local governments, tribes, and housing, community and redevelopment authorities.
- The grants cover 80% of costs; applicants must contribute 20% in cash or services.
- Eligible work includes site assessment and investigation (phase 1, phase 2 or NR 716), demolition (including associated asbestos abatement), removal of tanks and removal of abandoned containers.
- Applicants can not have caused the contamination.
- The person who caused the contamination is unknown, unable to be located or unable to pay for the activities for which grant funding is sought.
- The applicant must have access to the site within 90 days of DNR's notice of grant award.
- The site may be privately owned, subject to the two conditions noted immediately above.
- Small grant applications cover requests from \$2,000 to \$30,000 and are due August 1.
- Only one application may be made per site, but an applicant may apply for a number of eligible sites. The total sum awarded to a single

applicant will be less than \$217,000 in the state fiscal year ending June 30.

- Applications will be scored, ranked and awarded in descending order of points if the sum of the application requests is greater than available funding. See NR 168.11 for application information and NR168.13 for scoring values.
- \$1.01 million will be available for the small grant applications due August 1. Funds not awarded at that time will be available for the next small grant cycle, with applications due November 1, 2000.
- \$440,000 is available for large grant applications (>\$30,000 to \$100,000). These applications are also due November 1, 2000.

Public hearings have been scheduled on the emergency rule, and on making the emergency rule a permanent rule. The hearings will be:

- Monday June 12, in room 158, DNR West Central Region Headquarters, 1300 W. Clairemont, Eau Claire, at 1:00 p.m.
- Tuesday June 13, in conference room A, Courthouse Annex, 1462 Strong Street, Stevens Point, at 10:00 a.m.
- Thursday June 15, Public Library, 106 Washington Avenue, Oshkosh, at 10:00 a.m.

For more information and a copy of the draft rule see DNR's Community Financial Assistance web page at

<http://www.dnr.state.wi.us/org/caer/cfa/EL/Section/SAG.html>

Interested persons may also contact Percy Mather at 608-266-9263, or at [mathep@dnr.state.wi.us](mailto:mathep@dnr.state.wi.us)

#### DEEDS NEEDED FOR CLOSURES WITH RESTRICTIONS

The RR Program reminds consultants and responsible parties to include a copy of the deed with case closure request forms when a deed restriction or a groundwater use restriction is expected as a condition of case closure. This ensures that the deed restriction applies to the correct property and to the correct property owner, and speeds up legal review of the deed restriction.

#### NUTS & BOLTS OF REDEVELOPMENT WORKSHOP

EPA is offering a course for local governments, developers, and consultants interested in brownfield redevelopment. The course is July 24 through 28 in Chicago, offered by the Great Lakes Center for Occupational & Environmental Safety & Health, at the University of Illinois School of Public Health. It is designed for communities hoping to spur redevelopment of older contaminated sites. The course mixes outside experts with HUD and EPA personnel to cover the brownfield redevelopment process, and includes case studies where teams of students visit sites and use a role playing technique to conduct the redevelopment process. The course is recommended for those who want experience getting started in brownfield redevelopment. More information about the course, including the agenda, is available at HUD's web site at <http://www.hud.gov/local/chi/chienv2.html> Registration should be made through the University of Illinois Great Lakes Center at (312) 996-6904. Cost is \$750, plus lodging. A block of rooms at the Union League Club, 65 W. Jackson Blvd., has been set aside (\$129.00 per night, all inclusive), phone (312) 427-7800. Reservations must be made by July 3. Questions on class content should be directed to Eugene Goldfarb, HUD, at (312) 353-1696 x2727, or Brooke Furio, EPA, at (312) 353-2513.

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